

HR3380

Sponsor:

Chambliss (R-GA)

Official Title:

A bill to amend title 18, U.S. Code, to establish federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the armed forces, or by members of the armed forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

Introduced:

Nov. 16, 1999

Committees:

House Armed Services, House Judiciary

Related Bills:

See S768

Cosponsors:

1 cosponsors (Dems: 0 Reps: 1 Inds: 0)

McCollum (R-FL)

Nov. 16, 1999 – Referred to Committee on Armed Services, Committee on the Judiciary. (for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned) (Congressional Record p. H12107)

Nov. 16, 1999 – Original cosponsor(s): 1

McCollum (R-Fla.)

Nov. 16, 1999 – CHAMBLISS, R-Ga., House speech: Introduces the Military Extraterritorial Jurisdiction Act. (Congressional Record p. E2419)

Mar. 30, 2000 – Subcommittee hearing held by the House Judiciary committee, Subcommittee on Crime.

May 4, 2000 – Scheduled action – Crime Subcommittee (Chairman McCollum, R-Fla.) of the House Judiciary Committee will mark up pending legislation. 3pm, 2226 Rayburn Bldg.

May 11, 2000 – Subcommittee consideration and markup held by the House Judiciary committee, Subcommittee on Crime.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Technical Amendments

McCollum, R-Fla. – Clarify those who are subject to the bill include a member of the Armed Forces who commits a crime and thereafter ceases to be subject to the Armed Forces, or has an indictment or information charge that the member committed the offense with 1 or more defendants and one of whom is not subject to the Armed Forces; move the "effective date" section to under the regulations section instead of at the end of the bill; simplify the definition of those who accompany the Armed Forces overseas. Adopted by voice vote.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Magistrate Judge

Scott, D-Va. – In the section that requires regulations to be made regarding the apprehension, detention and trial of these people, insert the following: "The regulations shall include a provision which requires an initial appearance before a Magistrate Judge consistent with the Federal Rules of Criminal Procedure." Withdrawn without objection.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Indictment First

Scott, D-Va. – Require the suspect to be indicted before he is removed from the foreign country and brought to the United States, and delete the requirement that the suspect be given to U.S. agents "as soon as practicable." Withdrawn without objection.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Regulations First

Scott, D-Va. – Require the bill to go into effect only after the Department of Defense has established the regulations. Withdrawn without objection.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Vote to Report

Chambliss, R-Ga. – Amend the federal criminal code to provide penalties for individuals who commit crimes while employed by or accompanying the armed forces outside the United States, or while a member of the armed forces outside the United States. Stipulate that the crime committed must constitute an offense punishable by imprisonment for more than one year if such conduct had been engaged in within the maritime and territorial jurisdiction of the United States. Prohibit federal criminal action if a recognized foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense. Stipulate that such persons should be arrested outside the United States and delivered to U.S. civilian law enforcement personnel. Stipulate that such persons may be released to a recognized foreign government of persons who engage in such conduct in that country. Direct the Secretary of Defense, in consultation with the Secretary of State and Attorney General, to prescribe regulations governing the apprehension, detention, delivery, and removal of such persons under the bill. Also direct them to issue regulations requiring that notice be provided to any person covered by this Act who is not a U.S. national that such person is potentially subject to the criminal jurisdiction of the United States. Stipulate that failure to provide such notice shall not defeat the new jurisdiction. As amended. Approved for full committee consideration, voice vote.

May 11, 2000 – Subcommittee vote: Foreign Jurisdiction – Approval Amend the federal criminal code to provide penalties for individuals who commit crimes while employed by or accompanying the armed forces outside the United States, or while a member of the armed forces outside the United States. Stipulate that the crime committed must constitute an offense punishable by imprisonment for more than one year if such conduct had been engaged in within the maritime and territorial jurisdiction of the United States. Prohibit federal criminal action if a recognized foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense. Stipulate that such persons should be arrested outside the United States and delivered to U.S. civilian law enforcement personnel. Stipulate that such persons may be released to a recognized foreign government of persons who engage in such conduct in that country. Direct the Secretary of Defense, in consultation with the Secretary of State and Attorney General, to prescribe regulations governing the apprehension, detention, delivery, and removal of such persons under the bill. Also

direct them to issue regulations requiring that notice be provided to any person covered by this Act who is not a U.S. national that such person is potentially subject to the criminal jurisdiction of the United States. Stipulate that failure to provide such notice shall not defeat the new jurisdiction. As amended. Approved for full committee consideration by voice vote.

June 27, 2000 – Full Committee consideration and markup held by the House Judiciary committee.

June 27, 2000 – Committee vote: Foreign Jurisdiction – Federal Magistrate

Chabot, R-Ohio – Amendment by which a member of the Armed Forces outside the maritime and territorial jurisdiction of the United States charged with a crime punishable by more than 1 year in prison, subject to punishment as if within the United States as provided by the bill, would be remanded to the nearest U.S. military installation. Said person would receive an initial appearance with a Federal magistrate judge via telephone, and if the judge deems it necessary, would receive a detention hearing, also via telephone. If a Federal magistrate judge is unavailable, a qualified military counsel may be appointed. Adopted by voice vote.

June 27, 2000 – Committee vote: Foreign Jurisdiction – Vote to Report Amend the federal criminal code to provide penalties for individuals who commit crimes while employed by or accompanying the armed forces outside the United States, or while a member of the armed forces outside the United States. Stipulate that the crime committed must constitute an offense punishable by imprisonment for more than one year if such conduct had been engaged in within the maritime and territorial jurisdiction of the United States. Prohibit federal criminal action if a recognized foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense. Stipulate that such persons should be arrested outside the United States and delivered to U.S. civilian law enforcement personnel. Stipulate that such persons may be released to a recognized foreign government of persons who engage in such conduct in that country. Direct the Secretary of Defense, in consultation with the Secretary of State and Attorney General, to prescribe regulations governing the apprehension, detention, delivery, and removal of such persons under the bill. Also

direct them to issue regulations requiring that notice be provided to any person covered by this Act who is not a U.S. national that such person is potentially subject to the criminal jurisdiction of the United States. Stipulate that failure to provide such notice shall not defeat the new jurisdiction. As amended. Reported favorably to the full House by voice vote.

July 20, 2000 – Reported to the House amended by the House Judiciary Committee and placed on the House Calendar by unanimous consent. HRpt. 106-778, Part 1 (Congressional Record p. H6776)

July 20, 2000 – House Armed Services Committee discharged by unanimous consent. (Congressional Record p. H6776)

July 24, 2000 – Placed on the Union Calendar and ordered to be printed by unanimous consent. (Congressional Record p. H6776)

July 25, 2000 – Chabot, R-Ohio, motion to suspend the rules and pass the bill as amended. (Congressional Record p. H6928-H2932)

July 25, 2000 – Measure, as amended, passed in the House by voice vote, under suspension of the rules (two-thirds vote required). (Text of the bill, as passed by the House, appears on pgs. H6928-H6929 of the July 25, 2000, Congressional Record.) (Congressional Record p. H2932)

July 25, 2000 – Chabot, R-Ohio, motion, that the House strike all after the enacting clause of S768 and insert in lieu thereof the text of HR3380 as passed by the House, agreed to by unanimous consent. Please see S768 for further action. (Congressional Record p. H6940)

July 25, 2000 – Laid on the table by the House. (Congressional Record p. H6940)

